

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|-------------------------------|---|------------------------|
| CHARLES LUCARELLI, | : | 1:13-cv-2412 |
| | : | |
| Plaintiff, | : | |
| | : | Hon. John E. Jones III |
| v. | : | |
| | : | Hon. Martin C. Carlson |
| THOMAS BELTZ, <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | |

ORDER

February 18, 2014

AND NOW, upon consideration of the Reports and Recommendations of Chief United States Magistrate Judge Martin C. Carlson (Docs. 20 and 25), recommending that the Defendants' Motions to Dismiss (Docs. 13 and 18) be granted and that this action be dismissed without prejudice as to Defendant Thomas Beltz and with prejudice and without leave to amend as to Defendant Lori Belletieri, and, after an independent review of the record, and noting that Plaintiff filed objections¹ (Docs. 22 and 28) to the reports on January 27 and February 14,

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. *Supinski v. United Parcel Serv.*, Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing *Sample v. Diecks*, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" *Id.* (citing *Shields v. Astrue*, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D.

2014 and the Court finding Judge Carlson's analysis to be thorough, well-reasoned, and fully supported by the record, and the Court further finding Plaintiff's objections to be without merit² and squarely addressed by Judge Carlson's report **IT IS HEREBY ORDERED THAT:**

1. The Reports and Recommendations of Magistrate Judge Carlson (Docs. 20 and 25) are **ADOPTED** in their entirety.
2. Defendants' Motions to Dismiss (Docs. 13 and 18) are **GRANTED**.
3. Defendant's Motion to Deem Unopposed Defendant Belletiere's Motion to Dismiss (Doc. 24) is **DISMISSED** as **MOOT**.
4. This case is **DISMISSED** with prejudice and without leave to amend as against Defendant Lori Belletieri. The Clerk shall **TERMINATE** this party.
5. This case is **DISMISSED** without prejudice as to Defendant Thomas Beltz. Plaintiff shall file an amended complaint setting forth his

Pa. Sept. 8, 2008).

² Within his "objections" to the Magistrate Judge's R&Rs, Plaintiff repeatedly asserts that he believes the state and federal court systems are corrupt and mismanaged, stating "you all drink from the same trough. I know I'm going nowhere but to write down on federal documents how corrupt these people are; if that's all I'm giving, so be it." (Doc. 28). Plaintiff makes no availing arguments to contest the Magistrate Judge's recommendations concerning the legal conclusions in this case.

claim(s) against Defendant Beltz within twenty (20) days of the date of this Order, or this case shall be dismissed.

6. This matter is **REMANDED** to Magistrate Judge Carlson for all further pre-trial management.

s/ John E. Jones III
John E. Jones III
United States District Judge